

## REMARKS

This paper is filed in response to the Office Action mailed on August 3, 2004. Claims 23-30 are pending. Claim 22 is rejected. Claims 23-30 are objected to as being dependent upon a rejected base claim. Reconsideration of Claims 23-30 is respectfully requested.

Applicants note with appreciation the allowance of subject matter in Claims 23-30. Claims 23-30 have been rewritten in independent form including all of the limitations of the base claim and every intervening claim. Accordingly, Claims 23-30 are now allowable.

### The Rejection of Claim 22 Under 35 U.S.C. § 103(a)

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett et al. (U.S. Patent No. 6,615,172) in view of Merrill et al. (U.S. Patent Pub. No. 2002/0008703).

A *prima facie* case of obviousness requires a suggestion or motivation either in the references or in the knowledge generally available to modify a reference or to combine references. There must be a reasonable expectation of success, and all the elements must be found in the prior art references.

The Examiner states that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bennett's method of agent to user interaction to include Merrill's teaching of agent to agent interaction in order to simulate a life-like interaction between the agent and the user in which the interaction can be more entertaining."

Applicants respectfully disagree. There is no teaching or suggestion in any of the references or in the knowledge generally available to combine or modify the Bennett and Merrill references in the manner suggested by the Examiner. Furthermore, even if it were remotely possible to combine the references, there would still be a lack of teaching or suggestion of all of the elements of Claim 22. Nevertheless, notwithstanding that the Examiner has not made a

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*prima facie* case of obviousness, applicants have, in the interest of procuring a patent at the earliest possible date, canceled Claim 22 without prejudice. Applicants reserve the right to file a continuation application for the subject matter of the canceled claim. Accordingly, the withdrawal of the rejection of Claim 22 is respectfully requested.

Allowable Subject Matter

Claims 23-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended Claims 23-25 in the interest of procuring a patent at the earliest possible date, and not for any reasons related to patentability.

Applicants submit that Claims 23-30 overcome the objection and request an early Notice of Allowance.

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CONCLUSION

In view of the foregoing remarks and amendments, applicants respectfully request a Notice of Allowance. If the Examiner has any further questions or comments, the Examiner is invited to contact the applicants' attorney at the number provided below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: October 29, 2004      Victoria Sellers

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